

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND,  
BALTIMORE DIVISION**

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**CROFTON VENTURES LIMITED  
PARTNERSHIP,**

**Plaintiff,**

**v.**

**G&H PARTNERSHIP, et al.**

**Defendants.**

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**Civil Action MJG 96-1378**

**MOTION OF E. STEWART MITCHELL, INC.  
TO EXTEND TIME TO FILE A NOTICE OF APPEAL**

E. Stewart Mitchell, Inc. ("Mitchell"), by its undersigned counsel, herein moves under Rule 4(a)(5) of the Federal Rules of Appellate Procedure for an extension of time to file a Notice of Appeal and states that:

1. On or about December 11, 2003 a hearing was held, and this Court entered an Order that among other things, granted Plaintiff's Motion to Reopen [Paper 104] and Plaintiff's Motion to Enforce Settlement [Paper 108].
2. Said Order also requires that the parties shall consummate the settlement by December 31, 2003.
3. Although Mitchell was ready, willing and able to consummate the settlement by year-end, Plaintiff, Crofton Limited Partnership ("Crofton"), was unable to convey clear title to

the subject property by such date and the parties so advised the Court by telephone conference on December 30, 2003.

4. The Court agreed to extend the settlement consummation date to January 15, 2004, and Mitchell has submitted a proposed order of amendment as directed during the December 30, 2003 conference call.

5. The time to file a notice of appeal of this Court's December 11, 2003 Order is about to expire and would otherwise expire before the new settlement consummation date of January 15, 2004. *See* Rule 4 of the Federal Rules of Appellate Procedure.

6. Mitchell does not know whether Crofton will be able to convey good title and otherwise consummate the settlement by January 15, 2004 and would prefer not to take an appeal before such time, possibly unnecessarily generating more animosity and additional expenses.

7. Rule 4(a)(5) of the Federal Rules of Appellate Procedure allow a party to move for, and the District Court to grant, an extension of time to file a notice of appeal, upon a showing of good cause and if filed before the expiration of the original appeal period. Federal Rule of Appellate Procedure 4(a)(5).

8. Rule 4(a)(5)(C) allows the District Court to extend the time to file a notice of appeal up to 30 days after the original prescribed time or 10 days after the date when the order granting the Motion to Extend Time is entered, whichever is later.

9. Good cause exists to extend the time in which Mitchell may file its notice of appeal in that if the settlement is indeed consummated by January 15, 2004, as now required, such an appeal would not be necessary or desirable.

WHEREFORE, Mitchell respectfully requests that the Court grant Mitchell's Motion to Extend Time to File a Notice of Appeal and extend such time to the later of (i) 30 days from the date prescribed, and (ii) 10 days after the date when the order granting Mitchell's Motion to Extend Time to File a Notice of Appeal is entered.

Respectfully submitted,

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

/s/

Milissa A. Murray  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
(202) 424-7500  
Attorney for Defendant E. Stewart Mitchell, Inc.

